

INDEPENDENT ELECTORAL ASSESSMENT TEAM

FINAL REPORT

JANUARY 2010

NIGERIA

1. EXECUTIVE SUMMARY

At the request of the President of Nigeria, the UK and US diplomatic missions arranged for an independent international electoral assessment team to make recommendations for holding credible elections in 2011. The five-member team was led by Dr Kwadwo Afari-Gyan, Chairman of the Ghana Electoral Commission. The team met with a wide range of stakeholders in the federal capital and in three field visits, including to Anambra state where a gubernatorial election is due to take place on 6 February 2010. The team considered the preparedness of the Independent National Electoral Commission (INEC) for the presidential and gubernatorial elections scheduled for 2011, reviewed the recommendations of the Electoral Reform Committee (ERC), and made prioritised recommendations for different stakeholders for the holding of elections next year. Recommendations are based on the Constitution and laws of Nigeria, international commitments Nigeria has made in various treaties, and good electoral practice.

Holding elections in Nigeria presents many challenges, not least the large size of the electorate, the limited infrastructure, low literacy levels, and an environment that is characterised as violent and corrupt. There are also complex ethnic, religious and geographical divides. An impressive democratic aspiration evident in the general population has been somewhat frustrated by successive elections, which have been regarded as highly problematic.

As a response to the 2007 electoral shortcomings, the President commissioned the ERC, who at the end of 2008 produced a comprehensive list of recommendations based on wide consultation. Currently the Attorney General and the two chambers of the National Assembly are reviewing the ERC recommendations and preparing draft legislation for electoral reform. However, to date it is not clear if key ERC recommendations will be included in the proposed new legislation. Further reform actions as recommended by the ERC and various observer missions deployed in past elections are yet to be realised. Thus with 2011 fast approaching, it is a critical moment for reform in Nigeria if the next elections are to be regarded as credible.

INEC reports having made internal improvements following the 2007 elections, particularly in regards to the decentralised distribution of election material and discontinuation of the practice of using ad hoc polling staff. However, other critical reform initiatives to improve its own performance and public confidence in the process are outstanding. This presents a major problem, given that INEC faces a profound and widespread lack of trust in its work amongst election stakeholders. While legal reform has the potential to provide stronger safeguards in the electoral process, current legislation does not prevent INEC from making administrative decisions that would provide for an electoral process that is seen as legitimate by stakeholders.

Priority recommendations for different stakeholders for credible elections in 2011 are listed below. Only one of these recommendations (asterisked) requires legal reform, all others are administrative and procedural and can be undertaken within the current legal framework.

1. Given the severe lack of confidence in the INEC leadership, and INEC's perceived partiality in favour of the incumbent, the President/Executive should reconstitute the INEC Chair and Board based on a broad and inclusive consultation process. While such consultation is not currently required by law, it is not prohibited, and could significantly contribute to establishing confidence in INEC.¹
2. In order to enable INEC to operate effectively without perception of dependence on the Executive, INEC's financial resources should be fully independent from the Executive. This can be assured by making INEC revenue a first line charge on the Consolidated Revenue Fund.*
3. INEC should be transparent in its work, by providing full information to election stakeholders in easily accessible formats. INEC should also establish standing mechanisms for sharing information and consulting with political parties and civil society at federal and lower levels. In addition, INEC should undertake open, timely and efficient accreditation of election observers, and allow observers access to all stages of the electoral process.
4. Given the problems reported with the voters register, INEC should take additional steps to improve the quality of the register. This includes providing full opportunity for citizens to register and to make corrections to their personal data, greater efforts to distribute Permanent Voter Cards (PVCs) in a timely and efficient manner, and full public outreach efforts to explain the continuous registration process.
5. A major area of concern has been a lack of transparency and verifiability in the results process. The counting of votes, and the transmission and tabulation of results must be transparent and conducted in strict compliance with the electoral law. In particular, results of each polling station should be announced and preferably displayed at the polling station, as well as at all the other points of collation. Copies of polling station results should be given to party agents and all other persons entitled by law to receive them. For purposes of greater transparency a copy of the results at each counting or collation point could be made available to domestic observers present. All total results announced should be accompanied with a breakdown of the composite units.²
6. The Judiciary should commit to timely adjudication of election complaints, with possible time-frames specified. Adjudication should be undertaken with full impartiality at all times.
7. The police should work with INEC to effectively prevent and respond to violence and intimidation issues arising during the electoral process. This should be undertaken in a comprehensive and impartial manner. Police should be sufficiently resourced and trained for them to play an effective role in the elections. Electoral offences should be properly investigated and submissions for prosecution should be made in a timely manner.

¹ The President has constitutional authority to establish such a consultative process of his own accord, as Sections 153 and 154 of the 1999 Constitution do not prohibit a broad consultative process.

² The more easily available the individual polling unit results are at higher levels of collation, the more easily parties and other stakeholders can check the veracity of the results, thereby improving confidence in the process and acceptance of the electoral outcome.

8. Party primaries should be held in a fully democratic manner, in order to promote internal party democracy, and parties should not substitute candidates who have won party primaries legitimately. Parties should promote non-violence and denounce the use of intimidation and hate-speech. They should also fully train and support their polling agents and establish effective reporting mechanisms.
9. Civil society should be proactive in undertaking voter education, denouncing violence and participating in election-related conflict-resolution programmes. Domestic observers should undertake rigorous long term monitoring of the electoral process, including a Parallel Vote Tabulation (PVT).
10. State media should ensure that they undertake their legal responsibility to provide equitable, impartial, and balanced coverage. The media generally should bring abuses of incumbency into the public domain.

Electoral reform is strengthened and secured through legal reform. While such legal reform is outstanding, key administrative actions under the current legal framework could provide for the possibility of credible elections in 2011. Most critically, the crisis of confidence in INEC must be addressed urgently for credible elections to be possible. The appointment process of INEC's leadership at federal and state levels, as well as INEC's transparency, relations with stakeholders, and impartial actions will be decisive.

The final section of this report lists minimum actions for credible elections in 2011 to be undertaken by various stakeholders, as well as further actions that are recommended. While many more recommendations could be made, this report attempts to highlight critical measures that need to be undertaken from this moment on. Without such improvements in the electoral process, there is a risk of disengagement from the democratic process and violence. It is vital that INEC, the Executive, the Judiciary, the police, and political parties, amongst others, take steps immediately to improve their electoral performance, so that the 2011 elections may be accepted as legitimate by the Nigerian people.

2. MANDATE AND METHODOLOGY OF THE ASSESSMENT TEAM

In late 2009 the President asked the British High Commissioner and the American Ambassador for assistance in regards to improving the credibility of the 2011 elections. As a response to this, DFID³ and USAID⁴ arranged an independent technical team to assess Nigeria's preparedness and make recommendations for the holding of credible elections next year. A five member assessment team was led by Dr. Kwadwo Afari-Gyan, Chairperson of the Ghana Electoral Commission. The other members of the team were: Denis Kadima (Executive Director of the Electoral Institute of Southern Africa), Professor Darren Kew (University of Massachusetts), Hannah Roberts (election consultant), and Margarita Aswani (democracy and governance consultant). Members of the team were in-country between 9 and 29 January 2010. In addition to meetings held in Abuja, field visits were conducted to Anambra, Lagos, and Kaduna states. Meetings were held with INEC, government representatives, State Governors, State Independent Electoral Commissions (SIECs), political party leaders, civil society representatives, academics, media representatives, and the diplomatic community. See Annex 1 for a complete list.

In consideration of its assessment and recommendations, the team made reference to Nigeria's international commitments for holding genuine elections. Particular attention was paid to the International Covenant on Civil and Political Rights (ICCPR), the Convention on the Elimination of All forms of Racial Discrimination (CERD), the Convention on the Elimination of all forms of Discrimination against Women (CEDAW), the African Charter on Human and Peoples' Rights, the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa. In addition, non-treaty standard commitments have been referred to, such as those contained in the African Union Declaration on the Principles Governing Democratic Elections and the ECOWAS⁵ Protocol on Democracy and Good Governance. The team has also made reference to good electoral practice.

The team would like to thank the office of the President for its assistance in arranging meetings and providing security to facilitate the team's work. The team would also like to thank the British High Commission, the US Embassy, DFID and USAID for their assistance. Finally, the team would like to thank all the interlocutors the team met with for their time and thoughts. Without such input, this report would not have been possible.

This report analyses ERC recommendations, INEC preparedness, as well as matters pertaining to the main stakeholders. Basic actions required for credible elections in 2011 are identified at the end of the report. Finally, some areas for further analysis are identified.

3. THE CONTEXT OF ELECTIONS IN NIGERIA

Throughout the long years of colonialism and military rule in Nigeria, democratic aspiration was a constant and powerful driver of political change. Military governments derived their legitimacy in large part from the promise that they were preparing the nation for a return to improved democratic rule, and the regimes that reneged on that promise soon fell. This fundamental public support for democracy has continued through the civilian governments since independence. Although Nigeria is currently enjoying

³ UK Department For International Development.

⁴ United States Agency for International Development.

⁵ Economic Community of West African States.

its longest period of electoral democracy since independence, the Fourth Republic has seen the quality of its elections decline progressively with each general election since 1999.⁶

Shortly after assuming office in 2007, President Yar'Adua acknowledged flaws in the electoral system and appointed an ERC. The ERC submitted its report to the President in late 2008. However, the report is yet to be submitted officially to the National Assembly or to be made public. Following completion of the ERC's work, federal authorities, including the Attorney General and the National Assembly, have taken a number of election reform initiatives. At the time of writing, however, none of the ERC recommendations or any other reform initiatives have yet been enacted into law.

There are various challenging factors in holding elections in Nigeria. One relates to the size of the electorate and of the country. Nigeria has 36 states, 774 local governments, and an electorate of over 60 million voters. There is also limited infrastructure. Nigeria has a tremendously challenging political and social landscape with complex ethnic, religious and geographical divides. The electoral environment is characterised as violent and corrupt.

Another important challenge is economic. The World Bank estimates that 92% of Nigerians live on less than US\$2 per day, with nearly 70% living on a dollar or less, all in a context where the nation earned US\$70 billion in oil revenue in 2008 alone.⁷ This widespread extreme poverty amid massive wealth concentrated in the hands of a few creates a context where political elites enjoy enormous advantages over the impoverished public, and where voters and other stakeholders are vulnerable to financial inducements and intimidation.

Gender equality has been recognised by the Nigerian government as a prerequisite for sustainable development⁸ and there is commitment in various international treaties to taking specific positive action to promote participative governance and the equal participation of women in political life.⁹ However, lack of gender equality in Nigeria continues to be a fundamental social barrier to credible elections. Nigeria's National Assembly is comprised of only 7.5% female members (compared to the 18.2% regional average for Africa). Research conducted among female candidates shows *"the systematic elimination of women in ... general elections through a well-orchestrated process of manipulation and pre-determination of the outcome of the electoral process."*¹⁰ Issues of harassment and female candidates lacking financial resources and political party support are reported, as is the substitution of female candidates.¹¹ Furthermore female candidates are less likely to receive coverage from public and private

⁶ See observer mission reports, such as EU, NDI and local observer group reports on the 2003 and 2007 elections.

⁷ World Bank Development Indicators 2006, available at

<http://web.worldbank.org/WBSITE/EXTERNAL/DATASTATISTICS/0,,contentMDK:20899413~pagePK:64133150~piPK:64133175~theSitePK:239419,00.html>. Accessed October 4 2009.

⁸ National Gender Policy, Federal Republic of Nigeria 2006, Federal Ministry of Women Affairs and Social Development.

⁹ Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, Article 9, *"Right to Participation in the Political and Decision-Making Process 1. States Parties shall take specific positive action to promote participative governance and the equal participation of women in the political life of their countries through affirmative action, enabling national legislation and other measures to ensure that: a) women participate without any discrimination in all elections; b) women are represented equally at all levels with men in all electoral processes."* Also see CEDAW for further commitments made by Nigeria.

¹⁰ Women Marginalisation and Politics in Nigeria II: Experiences of Women in the 2007 Elections, Ed Amina Salihu and Jibrin Ibrahim

¹¹ See EU Election Observation Mission Final Report 2007.

media during election campaigning.¹² Gender inequality is also reflected elsewhere in the electoral process, with women being found to be 10% less likely to vote than men across all age groups.¹³

Since 1999 Nigeria's development partners have been active in supporting elections. Donor programmes have collaborated with a wide range of Nigerian stakeholders; supported institutional reforms necessary to facilitate the electoral process; and provided assistance to strengthen accountability mechanisms to improve electoral outcomes.

4. ELECTORAL STAKEHOLDER ANALYSIS

This section provides analysis of the Nigerian stakeholders involved in the electoral process. It focuses on the role, challenges and key concerns of the Executive, the National Assembly, the Judiciary, the police, the political parties, civil society, and the media.

The Executive

The executive branch of government is typically regarded as having unwarranted and excessive influence on the electoral process. This is most pronounced in regard to the appointment of the INEC leadership and INEC funding, as well as perceptions of undue influence in the decision-making of INEC at both federal and state levels. The independence of an election administration is internationally recognised to be central to genuine elections.¹⁴ Of particular importance is independence from incumbent authorities. The team is encouraged by the President's commitment to electoral reform through his establishment of the ERC. The Attorney General has reviewed the ERC recommendations and prepared draft reform legislation that includes a first-line charge on the Consolidated Revenue Fund for the funding of INEC, but drops the ERC recommendation that the National Judicial Council vet applications for the INEC Chair and Board. The Attorney General has also forwarded draft legislation for an Electoral Offences Commission, which will be responsible for the prosecution of electoral offences. The nation now waits to see if the recommendations of the ERC will be taken up, and the next steps that the Executive will take in regard to electoral reform prior to the 2011 elections.

National Assembly

Both chambers of the National Assembly have initiated electoral law reform activities, which are on-going at the time of writing. Draft bills are anticipated to be sent in the near future to both Houses. Given the strength of the ruling party's representation, the National Assembly is in a strong position to pass new legislation. However it is imperative that there is stakeholder confidence in any new electoral legislation.

¹² Transition Monitoring Group (TMG) observation findings cited in DFID DDiN Media Appraisal.

¹³ DFID Deepening Democracy in Nigeria (DDiN) Social Appraisal.

¹⁴ See ICCPR General Comment 25, paragraph 20 "*An independent electoral authority should be established to supervise the electoral process and to ensure that it is conducted fairly, impartially and in accordance with established laws which are compatible with the Covenant.*"

The Judiciary

The Judiciary is regarded as having generally played a positive role in adjudicating election-related petitions. Political parties and civil society appeared to have more confidence in the Judiciary than in INEC. However, the law does not explicitly provide for dealing with pre-election complaints and reference was made to limitations in using the judicial channel. These include protracted court processes compromising the value of remedies and inconsistent application of the law with inappropriate rejection of cases on technical grounds. There have also been accusations of corruption and executive interference in the judicial process at both state and federal levels. A further issue of concern raised by political parties, civil society groups and members of the Judiciary themselves was selective compliance with judicial decisions, in particular on the part of INEC. Other issues raised by the Judiciary relate to shortcomings of INEC, the poor quality of petitions lodged by parties, and the challenge faced by the courts to complete election related cases within shorter time periods.¹⁵

The Police

Official security agencies, including the police, army, and state security services, face a considerable challenge in maintaining law and order during the electoral process, particularly the campaign, voting, and counting periods. Intimidation and violence is described as pervasive during the electoral process. The police report a lack of resources, particularly vehicles and communication equipment. While interlocutors reported instances of police acting professionally, there were also numerous reports of police partiality to the benefit of incumbents, of police interference in the electoral process, and also of corruption.

Political Parties

There are currently 57 political parties registered with INEC. Nomination for candidacy requires political party membership;¹⁶ thus there are no independent candidates in Nigeria, although one of the draft bills submitted by the Attorney General would allow independent candidacy.¹⁷ Political parties are characterised as lacking in ideology, thus leaving the electorate to choose between parties, not on the basis of policy positions, but on the basis of individual personality, ethnicity, religion, and regionalism, among other things.

Party politics is typically described as being dominated by financial motivation and personal gain. Parties have generally been accused of not practicing internal democracy, to the extent that candidates in primaries are replaced at the will of party leaders. There is also widespread recognition that party leaders resort to the use of thugs for protection as well as intimidation and violence. Inter-party relations are described as problematic, confrontational and violent. Party agents in polling stations and collation

¹⁵ 1999 Constitution, Section 285 and the Sixth Schedule require election tribunals to be composed of a Chairman and four other judges.

¹⁶ 1999 Constitution, Sections 65.2(b), 106(d), 131(c) and 177(c).

¹⁷ The constitutional requirement for party membership and sponsorship for candidacy is inconsistent with Nigeria's ICCPR commitments. ICCPR General Comment 25, issued by the UN Human Rights Committee, stipulates that "*The right of persons to stand for election should not be limited unreasonably by requiring candidates to be members of parties or of specific parties.*" ICCPR General Comment 25, paragraph 17.

points should serve as witnesses and safeguard the process; however, they are said to have often been co-opted by opposing parties or been ineffective in their roles because of inadequate training.

Parties have frequently rejected INEC's announced results and have made challenges through the court system. Issues raised by parties include a lack of INEC impartiality and independence, the poor state of the voters register, and the lack of transparency, reliability and verifiability of results aggregations at collation centres. Criticism was also made of political and financial interference by incumbents, unduly long delays of judicial decisions accompanied by inadequate remedies, and INEC not implementing court judgements. Political parties appeared largely to support the recommendations of the ERC.

Civil Society

Civil society in Nigeria has been critical of the manner in which the electoral process has been managed; in particular, in respect of the voters register, voter education, and election observation. The large numbers, expertise, and geographical reach of civil society organisations give them great potential to play a strong role in the electoral process, and in conflict prevention and resolution. However, these groups appear to face considerable difficulties with funding and in working in an often intimidating and violent environment. Some civil society organisations have been accused of partisanship and politically biased actions, and INEC alleges that some civil society organisations have been infiltrated by political parties. Civic groups have also been criticised for a lack of capacity to perform their tasks.

The main issues raised by civil society representatives regarding electoral administration include: INEC's lack of independence and impartiality, limited civil society access to INEC, inaccuracy of the voters register, lack of transparency and credibility in the determination of results, and late granting or refusal of domestic observer accreditation. Civic groups were also critical of political parties' lack of ideological differentiation, lack of intra-party democracy, the use of thugs and intimidation, and abuse of state resources by incumbent powers at both federal and state levels. The pervasiveness of corruption was also identified as a fundamental obstacle in the electoral process. Civic organisations generally welcomed the recommendations of the ERC as an important step forward.

The Media

Nigeria's media environment is expanding, with media outlets playing an increasing role in electoral activities and in commentary about electoral reform. The written press is described as "thriving"; however state-owned media still dominate particularly televised broadcasting, despite the recent growth of private commercial outlets. Private media outlets are characterised as being owned by influential individuals, some with political interests. The legal framework provides for equal coverage for all contesting political parties and candidates in the state media.¹⁸ Enforcement, however, has been problematic, with media monitoring showing state media bias to the benefit of the incumbent.¹⁹

¹⁸ Electoral Act 2006, Section 102(1) and 103(2) which requires that "*State apparatus including the media shall not be employed to the advantage or disadvantage of any political party or candidate at any election.*"

¹⁹ See for example, the EU Election Observation Mission 2007.

5. INEC PREPAREDNESS FOR THE 2011 ELECTIONS

INEC is a constitutional body mandated to conduct federal and state elections.²⁰ INEC has a wide constitutional²¹ mandate including voter registration, registration of parties and candidates, monitoring of party finances, campaign monitoring, delimitation, and civic and voter education²². INEC is headquartered in Abuja and has offices in all 36 states and 774 Local Government Authorities (LGAs). The INEC Chairman and twelve Commissioners (two from each of the six geo-political zones of Nigeria) are appointed by the President after consultation with the Council of State,²³ subject to approval by the Senate. INEC Commissioners can only be removed from office by the President and a two thirds approval of the Senate. Each INEC office at the state level is headed by a Resident Electoral Commissioner (REC), who is directly appointed by the President without Senate approval.²⁴ INEC is granted regulatory powers in Section 161 of the Electoral Act 2006.²⁵ In addition to INEC, there is a parallel structure of State Independent Electoral Commissions (SIECs), which are responsible for local government elections. They are completely separate institutions but use INEC's voters list.

INEC faces considerable challenges in administering elections, given the infrastructure limitations in the country, the large electorate, the level of literacy, and the tense political environment. There are additional challenges with corruption, political intimidation, and violence that prevail in the electoral process.

The team met the INEC Chairman and some Commissioners, Anambra INEC staff, including the REC, and the Kaduna and Lagos SIECs. Based on these meetings, and the team's consultations with a wide variety of stakeholders, the following issues and recommendations are identified for consideration. Recommendations marked with an asterisk require legal change.

Independence and Impartiality

Stakeholders consistently identified INEC's lack of impartiality and independence as a primary issue of concern in the electoral process. INEC's image problem was also identified by the INEC Chairman in a meeting with the team.²⁶ This perception relates in part to the mechanism for the appointment of the Chairman, Commissioners and the RECs, INEC's financial dependence on the Executive, and alleged favourable treatment of the incumbent government. Such a strong lack of confidence in the

²⁰ 1999 Constitution Section 153(f).

²¹ 1999 Constitution Third Schedule Part 1 Section 15.

²² *"The Commission shall have power to conduct civic education and enlightenment in the print and electronic media to enhance its functions."* Electoral Act 2006, Section 162.

²³ *"The Council of State is comprised of the President and Vice President, all former Heads of Government, all former Chief Justices, the President of the Senate, the Speaker of the House of Representatives, all the Governors and the Attorney-General of the Federation."* 1999 Constitution Section 154(3).

²⁴ 1999 Constitution Section 14(2).

²⁵ *"The Commission may, subject to the provisions of this Act, issue regulations, guidelines, or manuals for the purpose of giving effect to the provisions of this Act and for its administration thereof."* Electoral Act 2006 Section 161.

²⁶ Team meeting with INEC Chairman and Commissioners, 20 January 2010, INEC headquarters.

independence of an electoral authority can profoundly undermine its credibility and the perception of fairness of an election process.

As the independence of an electoral authority is recognised to be fundamentally important for a genuine election²⁷, the team recommends the following actions to strengthen INEC's independence and public confidence in its ability to operate autonomously:

1. * The 1999 Constitution should be amended to provide for a transparent appointment process based on wider stakeholder consultation and a more inclusive approval mechanism. This should apply to the Chairman and Commissioners. RECs should be appointed and dismissible by INEC.
2. * INEC's financial resources should be fully independent from the Executive. Stronger accountability mechanisms and full transparency measures should be established.
3. INEC should make stronger efforts to demonstrate that it treats all parties equally and, in particular, that it does not favour the party in power at either the federal or state level.

Transparency and Relations with Stakeholders

A number of positive steps have been taken by INEC to improve the conduct of elections, including:

- Discontinuation of the use of ad hoc polling staff
- Introduction of an electronic voters register
- Stores in the country's six geographic zones to facilitate the distribution of election materials
- Using the Electoral Institute for sustained training of staff

Yet, the public does not seem to be generally informed of these improvements, nor the challenges that INEC faces. Stakeholders frequently referred to lack of information from INEC, lack of contact, and lack of consultation and responsiveness. If stakeholders are not aware of what an election authority is doing, or do not feel that the authority is responsive to issues arising, there is a risk of disengagement and an accusatory approach to electoral proceedings. Stakeholder confidence in an election administration is recognised as necessary for credible elections.²⁸ The team makes the following recommendations to improve transparency and verifiability in the electoral process, thereby fostering the integrity of the process:

1. Decisions of INEC on matters that affect electoral stakeholders should promptly be made known to the public.
2. INEC should review its communication strategy to give stakeholders more detailed, regular, real-time information in easily accessible formats.

²⁷ "An independent electoral authority should be established to supervise the electoral process and to ensure that it is conducted fairly, impartially and in accordance with established laws." ICCPR General Comment 25, Human Rights Committee, paragraph 20.

²⁸ "The bodies responsible for organizing the elections shall be independent or neutral and shall have the confidence of all the political actors." ECOWAS Protocol on Democracy and Good Governance, Article 3. Signed by Nigeria on 21 December 2001.

3. INEC should take responsibility for establishing and leading standing multi-party committees that meet regularly (preferably on a minimum monthly basis) at federal and lower levels. This would provide a platform for regular consultation, improved communication, and prevention or resolution of conflict.
4. INEC should also establish and lead a civil society forum that meets regularly (preferably on a minimum monthly basis) at federal and lower levels for approximately a year around the election date.
5. Regular, open media briefings should be held, on a weekly basis around the election period.
6. INEC should establish clear guidelines and an open, timely, and efficient process of accreditation of election observers, and allow observers access to all stages of the electoral process.
7. INEC should undertake a review, based on stakeholder consultations, of the effectiveness of voter education conducted by parties and CSOs with the state funds it supplies to them, with a view to ensuring transparency and accountability.

INEC's Capacity

The shortcomings of past elections have been attributed in part to INEC's inadequate capacity. The Chairman gave assurances to the team of INEC's capacity to deliver, and emphasised that decentralised distribution of materials is now in place and there will no longer be a reliance on ad hoc polling staff. Many stakeholders, however, remain sceptical of INEC's capacity to reform sufficiently for 2011. The team identified a number of issues for consideration:

- The ongoing organisational restructuring based on internal management assessment, as well as refinements to the electoral process being undertaken, should be completed in good time for implementation prior to the 2011 elections.
- INEC should take appropriate steps to orientate, train, and effectively supervise all election staff.
- INEC should be mindful of gender balance in all aspects of election administration, including at the highest levels.

Violence and Intimidation

Nigerian elections have been marred by political violence and intimidation. It is common knowledge that political parties deploy thugs during the voting and counting processes. The role of these thugs is to protect supporters, to guard their party's interests, and to disrupt and/or manipulate the electoral process. To prevent electoral processes being further distorted by such tactics, the team makes the following recommendations:

1. INEC should work with the police to find ways to prevent and effectively respond to electoral violence and intimidation in an impartial manner, including familiarising the police with their role and election offences.

2. INEC should ensure the announcement and release of election results at the polling stations to party agents and observers. This will help reduce frustrations and the potential for violence further up the collation chain.
3. INEC should work with parties and civil society to promote a culture of non-violence in the election process.
4. INEC could, in partnership with political parties, civil society, and other relevant actors, establish conflict mediation panels to prevent or resolve conflicts during the electoral process. Several countries on the continent deploy such panels at national and lower levels during key phases of the electoral process to mediate between stakeholders to promote peaceful participation in elections.

Voter Registration

INEC has committed to providing continuous electronic voter registration across the country based on biometric data collection. SIEC interlocutors reported that they use the INEC voters register, but do not contribute to the voter registration process, despite their local knowledge. The team consistently received reports of omissions and errors in the register, long delays in the preparation and distribution of Permanent Voter Cards (PVCs), and continuous registration not taking place in many parts of the country.

There appears to be lack of public awareness about the continuous voter registration process and opportunities for checking one's entry. The team was particularly concerned that such problems were reported to be widespread in Anambra, where elections are due to take place soon (6 February 2010). A voters register that is up to date, inclusive, and accurate is critical for building stakeholder confidence prior to Election Day.²⁹ With this in mind, the following recommendations are made:

1. Greater public outreach efforts should be made to explain the registration process, including when and how to register, when and how to check one's entry, and how to apply for corrections. It should be made fully clear that one needs to be on the register and to have a registration card to vote.
2. Every effort should be made to prepare and distribute PVCs in a timely and efficient manner, to facilitate identification and voting.
3. Full opportunity should be given for registered voters to make corrections to their personal data. This should include vigorous publicity, easy access to verification places, and sufficient time for checking the register.
4. There should be a clear public policy on how duplicate entries in the register are dealt with by the Commission. In the meantime, in order not to unjustly disenfranchise qualified voters, the latest entry could remain on the register, while the Commission takes steps to find out whether the double entry was the result of double registration or is a technical error.³⁰

²⁹ The ECOWAS Protocol on Democracy and Good Governance (signed by Nigeria on 21 December 2001) stipulates that *"The voters lists shall be prepared in a transparent and reliable manner, with the collaboration of the political parties and voters who may have access to them whenever the need arises."* Article 5.

³⁰ INEC reports that currently it removes all entries when duplicates are identified.

5. Political parties should be given copies of the register in a timely manner to allow them to thoroughly scrutinize it and to use it for effective campaigning.

Voting Operations

There were widespread reports of polling being seriously compromised by the late arrival of materials, misconduct of election staff, and the hijacking of “satellite” polling stations by party supporters (satellite polling stations are designed to accommodate excessive numbers of voters allocated to one polling unit). Without voting operations being consistently conducted with integrity, election results may be regarded as illegitimate. The team makes the following recommendations in this regard:

1. Satellite stations should, as far as practicable, be discontinued. Where they are unavoidable, they must be made subject to the same requirements established for all polling units. This includes clear publication of the location, the code, and the number of voters. As with all polling units, satellite stations should be established in neutral public places with full security, and their existence must be known to the political parties and observer groups well ahead of elections.³¹
2. Adequate provisions should be made for the timely and secure transportation of election materials. To the extent that security of sensitive election materials permits, distribution of materials could be further decentralised.
3. The distribution of ballot papers should be tracked, such that full ballot accountability is achieved.³²
4. INEC should take steps to ensure that election offences by political parties, INEC staff, or any other stakeholder are subject to prosecution.

Results Process

The transmission and tabulation of results have been controversial, leading to many petitions being submitted to the courts, most notably following the 2007 elections. INEC acknowledged the challenges of this critical stage of an election, referring to presiding officers failing to conduct counts at the polling unit and to give certified copies of results forms to party agents present. Complaints were made about election totals being announced without the composite polling unit breakdown, thereby preventing the possibility to check the veracity of the announced results and outcome. Lack of transparency in the results process fundamentally compromises confidence in an electoral process, thereby potentially undermining acceptance of the electoral outcome.³³ To prevent lack of confidence in future results announcements, the team recommends the following:

1. Counting of votes, transmission, and the tabulation of results must be transparent and conducted in strict compliance with the electoral law. In particular, results of each polling station should be announced at the polling station, as required by law. Certified copies of polling station results should be given to party or candidate agents and all other persons entitled by law to receive them. For the

³¹ Requirements for the location of polling stations is not stipulated in the Electoral Act 2006.

³² Verifiable codes on the ballot paper should not be linked to the voter (in order that the secrecy of the vote is not compromised).

³³ The ECOWAS Protocol on Democracy and Good Governance (signed by Nigeria on 21 December 2001) stipulates that *“The preparation and conduct of elections and the announcement of results shall be done in a transparent manner.”* Article 6.

sake of transparency, a copy of the results could be made available to domestic observers present at the count. All total results announced should be accompanied with a breakdown of composite units.

2. The results transmission chain should be efficient and reliable, with INEC conducting rigorous checks to ensure the veracity of results submitted.
3. * INEC should be given authority under law to review the electoral results announced by Returning Officers and to correct mistakes. Only results approved by INEC should be final.³⁴
4. Encouragement and support should be given to facilitate independent vote tabulation by political parties and competent civil society organisations. Parallel Vote Tabulation (PVT) is conducted by civil society organisations in many countries as a way of verifying the accuracy of announced totals, thereby deterring fraud and building confidence in the results process and outcome.

6. ERC RECOMMENDATIONS

The ERC undertook extensive consultations in its review of the strengths and weaknesses of Nigeria's electoral system. In its report, the Committee has made positive recommendations towards enhancing transparency and accountability in the entire electoral system in ways consistent with the holding of elections that meet international standards. The team has, however, identified a number of issues in the ERC's recommendations that warrant further consideration.

Dates of Presidential and Gubernatorial Elections

ERC recommendation: *"Elections to the office of President and Governor should be held at least six months before the expiration of their terms..."*³⁵

The team finds the recommendation that election petitions must be satisfactorily dealt with before the affected persons assume office to be reasonable. However, a transition period of six months might be too long for the president-elect and governors-elect on three counts:

- It might induce immobility in the conduct of official business
- It might give unscrupulous out-going officials abundant time for malpractice
- It might be too long a waiting period for in-coming officials.

For these reasons, we suggest that, in respect of presidential and gubernatorial elections, a way is found to deal with petitions at higher levels of the courts system, so that the transitional period is shortened to a maximum of three months.

Determination of Election Petitions

In relation to the determination of election petitions, we suggest that two issues be reconsidered.

1. The burden of proof in an election petition

³⁴ Electoral Act 2006, Section 69(c).

³⁵ ERC Main Report, 2.5(d), page 55.

ERC recommendation: *“The law should shift the burden of proof from the petitioners to INEC to show that disputed elections were indeed free and fair and complied with the provisions of the Electoral Act.”*³⁶

Aside from being unconventional, the shift in onus may turn out to be both unnecessary and unfair. A court has the power to demand evidence from any party to a petition, and to invoke contempt and consequences for failure to comply. Shifting the burden of proof to INEC might create room for mischief making and the possibility of inundating the courts with frivolous petitions, regardless of award of costs against unsuccessful petitioners.

2. Right of appeal in an election petition

ERC recommendation: *“INEC should have no right of appeal.”*³⁷

We suggest that this blanket prohibition be reviewed, for purposes of establishing firm principles for election administration. It may be necessary for INEC to appeal against a decision in an election petition in instances where the decision involves interpretation of electoral law or where the decision cannot be implemented at all.

Public Verification of the Voters Register

ERC recommendation: *“The Commission shall establish a simplified and comprehensive procedure for the public verification of the voters register and shall provide eligible voters access thereto so as to enable them to scrutinize the voters register for false entries or register for the first time or transfer their registration within a reasonable period before any election...”*³⁸

Our concern with this recommendation revolves around the words we have underlined for emphasis. Normally, one major purpose of the public display and verification of the voters register is to give persons who have already registered the opportunity to check to see whether their names are indeed on the register and whether the personal data that they gave at the time of registration have been correctly recorded.

If fresh names of eligible voters are allowed to be added to the register during the initial verification period, the issue arises as to whether the affected persons will later be offered an opportunity for verification. It is to be noted that just as it is necessary to have an end to continuous voter registration before an election, it is also necessary to have an end to making corrections to the voters register.

Especially given Nigeria’s huge voter population, time is required after the close of registration for the provisional voters register to be printed and thoroughly checked before it is put out for verification. Similarly, after the display and verification, time is required for the necessary corrections and transfers to be made for the final register to be printed.

In view of the foregoing considerations, we recommend that fresh registration should not be allowed during the public verification period. It would be inconsistent with having a cut off point for continuous registration.

³⁶ ERC Main Report, 2.5(b), page 55.

³⁷ ERC Main Report, 2.5(e), page 55.

³⁸ ERC Main Report, Annexure Two, 5(8), page 274. Emphasis is ours.

Publication of the List of Ad-hoc Staff

ERC recommendation: *“The list of ad hoc or temporary staff to be employed by the Commission ... shall be published.”*³⁹

The team was informed by INEC that currently they require some 500,000 temporary staff to carry out national elections. Given this large number, we recommend that only the list of key officials such as returning officers and presiding officers, who make critical decisions in elections, be published to enable the general public to carry out proper scrutiny and raise objections as to character or partisanship.

Upper Limit of Voters per Polling Unit/Station

ERC recommendation: *“The Commission shall ensure that the number of voters allotted to each polling station shall not be more than 500.”*⁴⁰

The team urges a reconsideration of the 500 voters upper limit for every polling station. The team was informed by INEC that currently there are 200,000 polling stations. A strict application of the recommendation would entail a considerable increase in the current number of polling stations. Cost considerations aside, this might pose two problems:

- Finding suitable places for establishing polling stations in the big cities.
- Providing adequate security for the polling stations, given the limited numerical strength of the police.

A distinction could be made between urban and rural polling stations. In urban areas where lighting is not a problem, a polling station of up to 1,000 voters could be manageable.

Gender Representation

The ERC is to be commended for trying to deal with the paucity of women in decision making positions in public institutions. However, the team feels that, where numbers or percentages of women are specified, the situation could be improved by always prefixing them with the words “at least”. For example:

1. In respect of the composition of the Board of INEC, the relevant provision could read: *“Six persons of unquestionable integrity, at least two of whom must be women.”*
2. In respect of the additional conditions for organisations seeking registration as political parties, the relevant provision could read: *“The associations must maintain at least 20 percent women in the membership of all their governing bodies.”*
3. In respect of the composition of the Electoral Offences Commission, the relevant provision could read: *“Six persons, of whom at least two shall be women.”*

Inserting at least creates room for the possibility of appointing more women and achieving greater gender balance in the future. Otherwise, appointing the number or percentage of women specified in the law might be interpreted to mean that gender balance has thereby been achieved. It is to be noted

³⁹ ERC Main Report, Annexure Two, 10(b), page 275.

⁴⁰ ERC Main Report, Annexure Two, 11(2), page 275.

that the female representation recommended by the ERC falls below the minimum representation for women recommended by the African Union, ECOWAS, and the Nigerian Gender Policy.

Mixed System of Representation

ERC recommendation: “... if a political party wins less than 2.5% (of the valid votes cast) or more than 70% of members elected ... such political party shall not be entitled to any additional member based on proportional representation”⁴¹

As conceived under the ERC recommendations, the mixed system of representation will not serve the interests of smaller parties. It will rather increase the dominance of the bigger parties. Under a real mixed member proportional system, the proportional component is intended to compensate smaller parties for votes that are otherwise wasted under first-past-the-post (FPTP) constituency elections. With the threshold to gain a proportional seat pegged at 2.5% of the valid votes, and the exclusion from sharing in the proportional seats pegged at parties that win more than 70% of the constituency seats, the recommended system is, to all intents and purposes, mixed member parallel and not mixed member proportional.

⁴¹ ERC Main Report, Annexure One, 2(2), page 255.

7. BASIC ACTIONS FOR CREDIBLE ELECTIONS

The charts below list team recommendations for minimum actions for credible elections in 2011 as well as further actions that could be taken. This is based on the assumption that elections will be held on the due date in 2011, and not earlier. All of the recommendations below can be undertaken by administrative action and do not require prior legal reform for implementation, with the exception of three (marked with an asterisk).

<i>Stakeholder</i>	<i>Minimum Actions for Credible Elections in 2011 (and timeframe)</i>		<i>Further Actions for Credible Elections</i>
The President / Executive	The President/Executive should intensify leadership actions to give fresh impetus and support to electoral reform for the conduct of credible elections in 2011 and beyond.	Immediate	<ul style="list-style-type: none"> The President/Executive should submit the ERC report formally to the National Assembly and make the report available to the public. The President/Executive should promote implementation of accepted priority ERC recommendations.
	The INEC Chair and Board should be reconstituted based on a broad inclusive consultation process.	Immediate, to be completed by the end of June 2010	
	The Executive should promote the financial independence of INEC by giving the Commission full authority to implement its budget independently and ensuring that funds are allocated in a timely manner. This can be assured by making INEC revenue a first line charge on the Consolidated Revenue Fund.*	Immediate	
	While it is recommended that the President ceases to be the appointing authority for RECs, in the interim period while the current arrangements remain, it is recommended that the President appoints new RECs based on a broad inclusive consultation process.	From now on	
	The Executive should be seen to prevent and respond to instances of executive office holders and staff interfering in the electoral process.	From now on	

<i>Stakeholder</i>	<i>Minimum Actions for Credible Elections in 2011 (and timeframe)</i>		<i>Further Actions for Credible Elections</i>
INEC	It is essential that utmost care is taken in compiling the voters register. Full opportunities should be given for registrants to make corrections to their entries. Greater efforts should be made to distribute Permanent Voter Cards in a timely and efficient manner that prevents politicians from buying or hoarding them. Greater public outreach efforts should be made to explain the registration process and to remind the public continually that voter registration is an ongoing process.	Immediate	<ul style="list-style-type: none"> • INEC should be mindful of gender balance and should take positive steps to promote women in all aspects of the election administration, including at the highest tiers. • Decisions of INEC affecting election stakeholders should promptly be made known to the public. • INEC should undertake a review, based on stakeholder consultations, of the effectiveness of voter education undertaken by parties and civil society with the state funds it supplies to them, with a view to ensuring transparency and accountability. • INEC should work with parties and civil society to promote a culture of non-violence and democracy generally in the election process. • There should be a clear public policy on how voter registration duplicate entries are dealt with by the Commission in order not to unjustly disenfranchise qualified voters.
	INEC should ensure that all of its staff operate fully in conformity with the Electoral Act 2006. Any failures to do so should be immediately and effectively responded to.	From now on	
	INEC should ensure that political parties comply with the requirements of the Constitution and electoral law, including in regards to adherence to a party's own constitution and financial reporting to INEC. Any failures to comply should be made public and immediately and effectively addressed by INEC.	From now on	
	INEC should establish and lead standing multi-party forums that meet regularly at federal and lower levels for improved communication with parties. Civil society forums should also be developed and meet regularly. Regular media briefings should also be held.	From now on	
	INEC should undertake open, timely and efficient accreditation of election observers, and allow observers maximum access to all stages of the electoral process.	From now on	
	INEC should work with the police to prevent and respond effectively to violence and intimidation issues arising during the electoral process in an impartial manner. INEC should conduct training with the police on electoral offenses.	From now on	
	INEC could establish conflict mediation panels to prevent and resolve conflict during the electoral process, in	From now on	

partnership with political parties, civil society organisations, and other relevant actors.		
INEC should provide stakeholders with more detailed, regular, real-time information.	From now on	
“Satellite” polling units should be discontinued. Where they are unavoidable, they must be made subject to the same requirements established for all polling units, including clear publication of the location, the code, the staff, and the number of voters. As with all polling units, satellite stations should be established in neutral public venues with full security and their locations must be known to parties ahead of elections.	Prepared before election day	
Every ballot paper should be numbered, so that there can be full ballot accountability and clear tracking records, without compromising the secrecy of the vote.	Prepared before election day	
Additional arrangements should be made to provide for the timely and secure transportation of election materials.	Prepared before election day	
Results of each polling unit should be announced and preferably displayed at the polling unit and at all other points of collation. Copies of polling unit results should be given to party and candidate agents as required by law, and could be given to domestic observers present at the count to enhance transparency and confidence in the process. All total results announced should be accompanied with a breakdown of composite units. Media accredited by INEC should be allowed the same access as observers.	Prepared before election day	
The results transmission chain should be efficient, reliable, and transparent with INEC conducting rigorous checks to ensure the veracity of results submitted.	Prepared before election day	
Support should be given to facilitating independent vote tabulation by political parties and competent civil society organisations.	At least six months before election day	

<i>Stakeholder</i>	<i>Minimum Actions for Credible Elections in 2011 (and timeframe)</i>	<i>Further Actions for Credible Elections</i>
National Assembly	<p>* Pass electoral reform legislation as a matter of urgency. Priority issues for Constitutional reform include</p> <ul style="list-style-type: none"> • Appointment mechanism of INEC Chairman and Commissioners. • RECs appointed by the INEC through an open transparent recruitment process and dismissible by INEC. • INEC financial independence. • Provision for independent candidates to run. • A reduction in the number of judges required to sit on election tribunals. • The time between the date of polling and inauguration (maximum three months) should provide for time to get electoral petitions settled by the judiciary. <p>Priority issues for legal reform include:</p> <ul style="list-style-type: none"> • Enhanced transparency requirements, particularly for results publication by polling unit. • Returning Officers should have responsibility to announce provisional results and INEC should have responsibility for announcing final results (INEC should have the authority to review results to correct any palpable mistakes with justification). • Explicit provision made for the accreditation of domestic observers to observe all parts of the electoral process. 	<p>Within a minimum of nine months prior to election day. If such legislation is passed later, there should be provision for the upcoming election not to be subject to the new legal provisions.</p>

<i>Stakeholder</i>	<i>Minimum Actions for Credible Elections in 2011 (and timeframe)</i>		<i>Further Actions for Credible Elections</i>
The Judiciary	The Judiciary should commit to timely adjudication of election complaints, with timeframes specified. Adjudication should be undertaken with full impartiality with decisions based on the substance of the case as opposed to technicalities.	From now on	<ul style="list-style-type: none"> Efforts should be made to compile a centralized record of all complaints and appeals, as well as grounds and outcome.
	* Rules of Court on election petitions, currently under development, as well as practice direction, should be widely publicised.	From now on	

<i>Stakeholder</i>	<i>Minimum Actions for Credible Elections in 2011 (and timeframe)</i>		<i>Further Actions for Credible Elections</i>
The Police	The police should work with INEC to effectively prevent and respond to violence and intimidation issues arising during the electoral process. This should be undertaken in a comprehensive and impartial manner. Police should be sufficiently resourced to provide security for elections.	From now on	
	Police presence at polling stations should not be intimidating to voters, polling staff, agents or observers.	Election day	
	Police should take adequate steps to protect election materials, polling staff, candidates, agents, observers, and voters.	Election day	
	Electoral offences should be properly investigated and submissions for prosecution should be made in a timely manner.	From now on	

<i>Stakeholder</i>	<i>Minimum Actions for Credible Elections in 2011 (and timeframe)</i>		<i>Further Actions for Credible Elections</i>
Political Parties	Party primaries should be held in a fully democratic manner, in order to promote internal party democracy. Parties should not substitute candidates who have won party primaries legitimately.	Before election day	<ul style="list-style-type: none"> Parties should undertake positive actions to promote representation of women at all levels. Parties should adhere to the law governing political party finance, including full compliance with the required reporting mechanisms. Parties should make only well-founded complaints in order that the complaints mechanism may operate efficiently. Political parties should undertake their own independent comprehensive recording and aggregation of results. Parties should take all necessary steps to control their supporters, particularly at rallies, meetings, and demonstrations.
	Parties should fully adhere to the Political Parties Code of Conduct and should fully participate in INEC multi-party liaison committees once established.	From now on	
	Parties should promote non-violence and denounce and respond to the use of intimidation and hate-speech.	From now on	
	Parties should fully train and support their agents and should establish effective reporting mechanisms.	Before election day	

<i>Stakeholder</i>	<i>Minimum Actions for Credible Elections in 2011 (and timeframe)</i>		<i>Further Actions for Credible Elections</i>
Civil Society	Observer selection should be based on integrity and non-partisanship. Domestic observers should be well trained to undertake rigorous long term monitoring of the electoral process. Clear impartial reports should be published to inform stakeholders on the strengths and shortcomings of the process.	Before the election	<ul style="list-style-type: none"> Observers should undertake a Parallel Vote Tabulation (PVT) to verify the accuracy of results, thereby potentially improving credibility of the election.
	Civil society should be active in undertaking voter education, denouncing violence and participating in election-related conflict-resolution programmes.	From now on	
	Civil society groups should positively engage in civil society forums established by INEC. Constructive	From now on	

	recommendations should be made at all stages.		
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<i>Stakeholder</i>	<i>Minimum Actions for Credible Elections in 2011 (and timeframe)</i>		<i>Further Actions for Credible Elections</i>
The Media and Regulatory Authorities	State media should ensure that they undertake their responsibility to provide impartial, balanced, and accurate coverage.	From now on	
	The media should bring abuses of incumbency into the public domain.	From now on	
	The National Broadcasting Commission, the Nigerian Press Council and the Nigerian Press Organization should take stronger measures to guide and oversee electoral coverage in a professional and impartial manner.	From now on	

8. AREAS FOR FURTHER ANALYSIS

This electoral assessment team was commissioned by DFID and USAID to assess Nigeria's preparedness and make recommendations for the holding of credible elections next year. In this report the team has identified priority actions for various Nigerian stakeholders. Follow-on in-depth analysis of potential assistance in specific electoral areas would be needed to inform technical support and assistance. Some possible areas for further analysis include:

1. INEC

An assessment could be made of INEC's technical and operational capacity and interest in donor assistance. Such an assessment should strongly consider administrative and procedural reform actions undertaken by INEC. This assessment should include focus on logistical operations, staff recruitment and training, staff management, administration of the voter registration database and plans for the results process. It should also examine accreditation arrangements particularly for domestic election observers, as well as INEC's willingness and interest to introduce multi-party liaison committees and civil society forums at national and sub-national levels, and regular media briefings.

2. Civic and voter education

An assessment could be made of the quality, quantity and reach of civic and voter education (including in regards to the continuous voter registration) by INEC as well as civil society and political parties.

3. Voters register

An independent audit could be commissioned of the voters register in order to make recommendations for quality improvement. INEC cooperation in providing a current copy of the voters register (electronic and paper) would be needed.

4. Political parties

An assessment could be made of the potential to assist political parties in developing their electoral capacity, particularly in regards to the training and management of polling agents, the lodging of complaints and petitions, and in promoting non-violence.

5. Consensus building and conflict mediation

An assessment could be made of the needs and interest of INEC and civil society groups to conduct election related conflict management projects (such as conflict management panels).

6. The police

An assessment of training needs for purposes of improving the performance of the security agencies during the campaign, polling and results processing period. Particular emphasis could be given to the role of the police and electoral offences.

7. Assistance to the Judiciary

An assessment of training needs to improve judicial performance in regards to election petitions and electoral offences, including those of a criminal nature.

8. The Media

An assessment of training needs to improve the quality and balance of media coverage of the electoral process, with a particular focus on state media. The assessment could also evaluate local capacity to monitor the media during elections.

ANNEX 1: LIST OF MEETINGS HELD

Abuja, 11 January 2010

- United States Embassy
- British High Commission
- United States Agency for International Development
- Department for International Development, UK
- The Presidency, Office of the SGF, Political Affairs
- Ministry of Foreign Affairs

Abuja, 12 January 2010

- International Republican Institute
- RECAD/Joint National Association of Persons With Disabilities
- Civil Society Legislative Advocacy Centre
- Nigeria Labour Congress
- Mega Summit Movement
- Transition Monitoring Group
- Federation of Muslim Women Associations in Nigeria
- PACT Nigeria
- Citizen Communications, Kaduna
- Research and Training for Real Empowerment, Ltd.
- Youth Advocacy for Civic Transformation
- Community Action for Popular Participation
- West African Civil Society Forum
- Honourable Minister, Foreign Affairs
- United Nations Development Programme
- Office of the Secretary to the Government of Federation

Abuja, 13 January 2010

- Inspector General of Police, and Nigeria Police Force Management Team
- Deputy President to the Senate
- Chief (Barr.) Olisa Metuh, PDP National Vice Chairman (SE)

Abuja, 14 January 2010

- Honourable Minister of Justice & Attorney General
- MOJ, Directors Legal Drafting and EFCC
- Coalition Democrats for Electoral Reform
- Nigeria Labour Congress
- Political Parties: Community Party of Nigeria (CPN); Citizens Popular Party (CPP); Nigeria Advanced Party (NAP); All Progressive Grand Alliance (APGA); Democratic Peoples Party (DPP); Congress for Democratic Change (CDC); National Conscience Party (NCP).
- Inter-Party Advisory Council Secretary
- Coalition of Nigerian Political Parties

- Seventh Option Ltd
- Chief Mike Ahamba, SAN

Abuja, 15 January 2010

- Daily Trust
- Nigerian Bar Association
- Dr. Jibrin Ibrahim, Center for Democracy and Development

Kaduna, 17 January 2010

- Major-General Muhammadu Buhari (Rtd)
- Balarabe Musa, Peoples Redemption Party (PRP)
- Alhaji Muhammadu Jumare
- Prof. Ango Abdulahi
- Barrister Baba Lawal Aliyu, PDP NW Zone
- Amb. Nuhu Bajoga

Kaduna, 18 January 2010

- Secretary to State Government, Kaduna and Permanent Secretaries
- Coalition of Nigerian Political Parties
- Political Parties: All Nigeria Peoples Party (ANPP); Action Party of Nigeria (APN); Peoples Democratic Party (PDP); Citizens Popular Party (CPP); Action Congress (AC); Progressive Peoples Alliance (PPA); Action Alliance (AA); National Solidarity Democratic Party (NSDP); Labour Party (LP); National Unity Party (NUP); Peoples Progressive Party (PPP); National Reformation Party (NRP); New Democrats (ND); Republican Party of Nigeria (RPN); Alliance for Democracy (AD); Justice Party (JP); National Advance Party (NAP).
- Chief Of Police, Kaduna State;
- State Independent Electoral Commission
- Msgr Matthew Hassan Kukah

Anambra State on 18 January 2010

- Governor Peter Obi
- Former Governor Chris Ngige
- INEC Anambra REC Chukwudi Uwazuruonye
- INEC Anambra Administrative Secretary Tony E. Agbache
- Political parties: Progressive People Alliance (PPA); All Progressive Grand Alliance (APGA) and Action Congress (AC).
- Civil society – various. Meeting also attended by two SIEC representatives Anambra.

Lagos State:

- Governor Babatunde Fashola
- Lagos State Independent Electoral Commission
- INEC REC
- AC Gubernatorial Candidate Kayode Fayemi
- AC Secretary General Lai Mohammed

- Professor B. Nwabueze
- Professor Pat Utomi, Lagos Business School
- Nigerian Institute of International Affairs
- Guardian Newspapers
- Professor Abubakar Momoh, Lagos State University

Abuja, 19 January, 2010

- European Union, Delegation of the European Commission to Nigeria

Abuja, 20 January, 2010

- Independent National Electoral Commission

Abuja, 22 January, 2010

- President, Court of Appeal, Chief Registrar and Presiding Justices, Port Harcourt, Calabar, Sokoto

ANNEX 2: LIST OF DOCUMENTS CONSULTED

1999 Constitution of the Federal Republic of Nigeria

Electoral Act 2006, Political Party Finance and Code of Conduct

African Charter on Human and Peoples' Rights, and the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa

International Covenant on Civil and Political Rights and Human Rights Committee General Comment 25

Convention on the Elimination of All forms of Racial Discrimination

Convention on the Elimination of all forms of Discrimination against Women

African Union Declaration on the Principles Governing Democratic Elections

ECOWAS Protocol on Democracy and Good Governance

Electoral Reform Committee Main Report

Dr. Afari-Gyan's presentation to the Senate in 2009, "Thoughts on Electoral Law Design"

Dr. Afari-Gyan's presentation to civil society in 2009, "Dialogue with CSOs"

Transition Monitoring Group reports

EU Election Observation Mission Final Report 2003 and 2007

IRI Election Observation Reports

NDI Election Observation Reports

INEC Manual for Election Officials 2007

INEC List of National Executives of Registered Political Parties and National Headquarters Addresses (Updated)

LELEX Report UNDP

National Gender Policy, Federal Republic of Nigeria 2006, Federal Ministry of Women Affairs and Social Development

Afro-barometer surveys

Women Marginalisation and Politics in Nigeria II: Experiences of Women in the 2007 Elections, Ed Amina Salihu and Jibrin Ibrahim

ANNEX 3: LIST OF ABBREVIATIONS

CEDAW	Convention on the Elimination of all forms of Discrimination against Women
CERD	Convention on the Elimination of All forms of Racial Discrimination
CSOs	Civil Society Organizations
DFID	(UK) Department For International Development
ECOWAS	Economic Community of West African States
ERC	Electoral Reform Committee
EU	European Union
FPTP	First Past The Post
ICCPR	International Covenant on Civil and Political Rights
INEC	Independent National Electoral Commission
LGA	Local Government Authority
PVC	Permanent Voter Card
PVT	Parallel Vote Tabulation
REC	Resident Electoral Commissioner
SIEC	State Independent Electoral Commission
TMG	Transition Monitoring Group
USAID	United States Agency for International Development